UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/774,955 | 01/31/2001 | Daniel B. McKenna | 9286/001C11 | 5552 |

24283 7590 01/04/2005

PATTON BOGGS
1660 LINCOLN ST
SUITE 2050
DENVER, CO 80264

| EXAMINER | |
|---|---|
| ZEWDU, MELESS NMN | |
| **ART UNIT** | **PAPER NUMBER** |
| 2683 | |

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/774,955 | MCKENNA ET AL. | |
| | Examiner | Art Unit | |
| | Meless N Zewdu | 2683 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *12 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response to the communication filed on 8/12/04.

2. Claims 1-36 are pending in this action.

3. This action is final.

### *Claim Objections*

Claims 1, 13 and 25 are objected to because of the following informalities: the claims recite "means for storing a communique identifier that is **not unique** to said communiqué wireless subscriber device;" This feature has two problems. First, it recites negatively as indicated in the phrase "not unique". Second, it is a stand alone feature, without showing clear connection with the rest of the claimed features. Claims 1, 13 and 25 can be improved if the phrase "not unique" can be replaced with a positive recitation and the stand alone feature be connected with other features in the claims meantioned. Appropriate correction is required.

Claims 2, 4, 16 and 28 are objected to because of the following informalities: the claims recite/use the phrase " said at least" redundantly which adversely affects the clarity thereof. (See last paragraphs of the claims). Appropriate correction is required.

Claim 1-36 are objected to because of the following informalities: the print quality of the claims is poor. A letter here and there can be seen missed. Appropriate correction is required.

## *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 13 and 25 recite the limitation ""said plurality of wireless subscriber devices" in lines 19, 18 and 20 of respectively claims 1, 13 and 25. There is insufficient antecedent basis for this limitation in the claim.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 13-19, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarwood (US 6,161,016) in view of Owens et al. (Owens) (US 6,338,140 B1).

**As per claim 1:** a communique wireless subscriber device for providing communique communication services to subscribers, via a cellular communication network that includes a plurality of cell sites, each of which provides a plurality of wireless communication channels in a cell that covers a predetermined volume of space around a cell site transmitting antenna, said cellular communication network transmitting communiques on at least one of said plurality of wireless communication channels

reads on '016 (see sole figure; col. 5, lines 1-14; col. 6, lines 33-63), said communique wireless subscriber device comprising:

means for communicating on a wireless basis with at least one of said plurality of cell sites reads on '016 (see col. 2, lines 35-47).

means for storing a cornmunique identifier that is not unique to said communique wireless subscriber device reads on '016 (see col. 6, lines 33-38).

means, responsive to said communique identifier, for selecting at least one of said at least one of said plurality of wireless communication channels to receive, concurrently with more than one of said plurality of wireless subscriber devices, said communiques that are transmitted by said cell sites on said selected at least one of said plurality of wireless communication channels reads on '016 (see col. 9, lines 2-25). But, Yarwood does not explicitly teach means for storing a communicque wireless subscriber device identifier that is unique to said communiqué wireless subscriber device and means for registering said communiqué wireless subscriber device with said cellular communication network using said communiqué wireless subscriber device identifier, as claimed and argued by applicant. However, in a related field of endeavor, Owens teaches about a method and system for validating subscriber identities in a communications network wherein, in a GSM system, a mobile station is uniquely identified by international mobile subscriber identity (IMSI) and by electronic serial number (ESN) in systems such as AMPS (see col. 3, lines 35-49; col. 13, lines 41-61; col. 15, lines 28-37). Therefore, it would have been obvious for of ordinary skill in the art

at the time the invention was made to modify Yarwood's reference with that of Owens for the advantage of preventing cloning (see col.2, lines 10-33; col. 7, lines 6-18).

**As per claim 2:** the communique wireless subscriber device wherein said means for selecting comprises:

means for identifying said at least one of said at least one of said plurality of wireless communication channels based on said communique identifier reads on '016 (see col. 6, lines 33-38).

means for activating said means for communicating to receive said communiques on said identified at least one of said at least one of said plurality of

wireless communication channels reads on '016 (see col. 5, lines 1-14; col. 10, lines 12-19).

**As per claim 3:** the communique wireless subscriber device wherein said means for selecting comprises:

means for transmitting said communique identifier to said at least one of said plurality of cell sites to enable receipt of said communiques wirelessly conveyed to said communique wireless subscriber device by said at least one of said plurality of cell sites reads on '016 (see col. 5, lines 1-14; col. 6, lines 33-37).

**As per claim 4**: the communique wireless subscriber device wherein said means for selecting further comprises:

means for receiving data from said cellular communication network that identifies said at least one of said at least one of said plurality of wireless ommunication channels reads on '016 9see col. 5, lines 1-14; col. 6, lines 33-37; col. 10, lines 40-47).

means for activating said means for communicating to receive said communiques on said identified at least one of said at least one of said plurality of wireless communication channels reads on '016 (see col. 40-47).

**As per claim 5:** the communique wireless subscriber device further comprising:

means for storing a communique device identifier that uniquely identifies said communique wireless subscriber device reads on '016 (see col. 6, lines 33-37).

**As per claim 6:** the communique wireless subscriber device further comprising:

means for transmitting said communique device identifier to said at least one of said plurality of cell sites to request access to subscription-based communiqués reads on '016 (see col. 5, lines 43-50; col. 6, lines 33-37; col. 7, lines 58-64).

**As per claim7:** the communique wireless subscriber device further comprising:

means for activating said means for communicating to transmit data to said cell sites for transmission to other subscribers reads on '016 (see col. 8, lines 22-25).

**As per claim 13:** a method of operating a communique wireless subscriber device for providing communiqud communication services to subscribers, via a cellular communication network that Includes a plurality of cell sites, each of which provides a plurality of wireless communication channels in a cell that covers a predetermined volume of space around a cell site transmitting antenna, said cellular communication network transmitting communique on at least one of said plurality of wireless communication channels reads on '016 (see sole figure; col. 5, lines 1-14; col. 6, lines 33-63), said communique wireless subscriber device comprising the steps of:

communicating on a wireless basis with at least one of said plurality of cell sites reads on '016 (see col. 2, lines 35-47).

storing a communiqu6 identifier that is not unique to said communiqu6 wireless subscriber device reads on '016 (see col. 6, lines 33-38).

selecting, in responsive to said communique identifier, at least one of said at least one of said plurality of wireless communication channels to receive, concurrently with more than one of said plurality of wireless subscriber devices, said communiques that are transmitted by said cell sites on said selected at least one of said plurality of wireless communication channels reads on '016 (see col. 9, lines 2-25). But, Yarwood does not explicitly teach means for storing a communicque wireless subscriber device identifier that is unique to said communiqué wireless subscriber device and means for registering said communiqué wireless subscriber device with said cellular communication network using said communiqué wireless subscriber device identifier, as claimed and argued by applicant. However, in a related field of endeavor, Owens teaches about a method and system for validating subscriber identities in a communications network wherein, in a GSM system, a mobile station is uniquely identified by international mobile subscriber identity (IMSI) and by electronic serial number (ESN) in systems such as AMPS (see col. 3, lines 35-49; col. 13, lines 41-61; col. 15, lines 28-37). Therefore, it would have been obvious for of ordinary skill in the art at the time the invention was made to modify Yarwood's reference with that of Owens for the advantage of preventing cloning (see col.2, lines 10-33; col. 7, lines 6-18).

**As per claim14:** the method of operating a communique wireless subscriber device wherein said step of selecting comprises:

identifying said at least one of said at least one of said plurality of wireless communication channels based on said communique identifier reads on '016 (see col. 6, lines 33-38).

activating said means for communicating to receive said communiques on said identified at least one of said at least one of said plurality of wireless communication channels reads on '016 (see col. 5, lines 1-14; col. 10, lines 12-19).

**As per claim 15:** the method of operating a communique wireless subscriber device wherein said step of selecting comprises:

transmitting said communique identifier to said at least one of said plurality of cell sites to enable receipt of said communiques wirelessly conveyed to said communique wireless subscriber device by said at least one of said plurality of cell sites reads on '016 (see col. 5, lines 1-14; col. 6, lines 33-37).

**As per claim 16:** the method of operating a communique wireless subscriber device wherein said step of selecting further comprises:

receiving data from said cellular communication network that identifies said at least one of said at least one of said plurality of wireless communication channels reads on '016 9see col. 5, lines 1-14; col. 6, lines 33-37; col. 10, lines 40-47).

activating said means for communicating to receive said communiques on said identified at least one of said at least one of said plurality of wireless communication channels reads on '016 (see col. 40-47).

**As per claim 17:** the method of operating a communique wireless subscriber device further comprising the step of:

storing a communique device identifier that uniquely identifies said communique wireless subscriber device reads on '016 (see col. 6, lines 33-37).

**As per claim 18:** the method of operating a communique wireless subscriber device further comprising the step of:

transmitting said communique device identifier to said at least one of said plurality of cell sites to request access to subscription-based communiqués reads on '016 (see col. 5, lines 43-50; col. 6, lines 33-37; col. 7, lines 58-64).

**As per claim 19:** the method of operating a communique wireless subscriber device further comprising the step of:

activating said step of communicating to transmit data to said cell sites for transmission to other subscribers reads on '016 (see col. 8, lines 22-25).

**As per claim 25**: a communique wireless subscriber device for providing communiqué communication services to subscribers, via a cellular communication network that includes a plurality of cell sites, each of which provides a plurality of wireless communication channels in a cell that covers a predetermined volume of space around cell site transmitting antenna, said cellular communication network transmitting communique on at least one of said plurality of wireless communication channels reads on '016 (see sole figure; col. 5, lines 1-14; col. 6, lines 33-63), said communiqud wireless subscriber device comprising:

transceiver means for communicating on a wireless basis with at least one of said plurality of cell sites reads on '016 (see col. 2, lines 35-47).

profile memory means for storing a communique identifier that is not unique to said communiqu6 wireless subscriber device reads on '016 (see col. 5, lines 43-59; col. 6, lines 33-37).

control means, responsive to said communiqu6 identifier, for selecting at least one of said at least one of said plurality of wireless communication channels to receive, concurrently with more than one of said plurality of wireless subscriber devices, said communiquds that are transmitted by said cell sites on said sel ed at least one of said plurality of wireless communication channels reads on '016 (see col. 9, lines 2-25). But, Yarwood does not explicitly teach means for storing a communicque wireless subscriber device identifier that is unique to said communiqué wireless subscriber device and means for registering said communiqué wireless subscriber device with said cellular communication network using said communiqué wireless subscriber device identifier, as claimed and argued by applicant. However, in a related field of endeavor, Owens teaches about a method and system for validating subscriber identities in a communications network wherein, in a GSM system, a mobile station is uniquely identified by international mobile subscriber identity (IMSI) and by electronic serial number (ESN) in systems such as AMPS (see col. 3, lines 35-49; col. 13, lines 41-61; col. 15, lines 28-37). Therefore, it would have been obvious for of ordinary skill in the art at the time the invention was made to modify Yarwood's reference with that of Owens for the advantage of preventing cloning (see col.2, lines 10-33; col. 7, lines 6-18).

**As per claim 26:** the communique wireless subscriber device wherein said control means comprises:

means for identifying said at least one of said at least one of said plurality of wireless communication channels based on said communique identifier reads on '016 (see col. 6, lines 33-38).

means for activating said means for communicating to receive said ommuniques on said identified at least one of said at least one of said plurality of wireless communication channels reads on '016 (see col. 5, lines 1-14; col. 10, lines 12-19).

Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarwood in view of Owens, as applied to claim 25 above, and further in view of Gorsuch et al. (Gorsuch) (US 6,081,536).

**As per claim 27:** but, Yarwood, in view of Owens does not explicitly teach about a wireless subscriber device comprising spoofing means for transmitting said communique identifier to said at least one of said plurality of cell sites to enable receipt of said communiques wirelessly conveyed to said communique wireless subscriber device by said at least one of said plurality of cell sites, as claimed by applicant. However, in a related field of endeavor, Gorsch teaches that spoofing is a technique that makes a subscriber unit into behaving as if sufficient bandwidth is available to continuously transmit digital signals (see fig. 1, elements 130 and 132; col. 4, lines 19-53; col. 5, line 53-col. 6, line 13; col. 12, lines 19-21). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to add

spoofing for the advantage of keeping a user interface for the ISDN connection properly maintained evening the absence of a CDMA radio link being available.

**As per claim 28**: the communique wireless subscriber device wherein said control means further comprises:

administrative control means for receiving data from said cellular communication network that identifies said at least one of said at least one of said plurality of wireless communication channels reads on '016 (see col. 6, lines 33-51).

channel select means for activating said transceiver means to receive said communiques on said identified at least one of said at least one of said plurality of wireless communication channels reads on '016 (see col. 5, lines 1-14; col. 10, lines 12-19).

**As per claim 29:** the communique wireless subscriber device further comprising:

profile memory means for storing a communique device identifier that uniquely identifies said communique wireless subscriber device reads on '016 (see col. 5, lines 43-50).

**As per claim 30:** the communique wireless subscriber device further comprising:

MIN means for transmitting said communique device identifier to said at least one of said plurality of cell sites to request access to subscription-based communiqués reads on '016 (see col. 3, lines 26-47; col. 5, lines 43-50).

**As per claim 31:** the communique wireless subscriber device further comprising:

channel select means for activating said transceiver means to transmit data to said cell sites for transmission to other subscribers reads on '016 (see col. 3, lines 17-35).

Claims 8-10, 20-22 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarwood in view of Owens and further in view of Leapman (US 2002/0087401 A1).

**As per claim 8:** but, Yarwood does not explicitly teach about a wireless subscriber device comprising means for storing subscriber profile data in a memory and means for filtering said received communiques using said subscriber profile data, as claimed by applicant. However, in a related field of endeavor, Leapman teaches that a mobile communication device can wirelessly receive a broadcast advertisement from an advertisement broadcasting system or source and selects that advertisement based on stored user profile and thereby provide broadcast data that is filtered by the communication device (see abstract; figs. 4and 5; page 1, paragraphs 0007-0010; page 2, paragraphs 0024-0028; page 3, paragraphs 0029-0030). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Yarwood, as modified, with that of Leapman for the advantage of providing improved broadcast advertisement to a mobile communication device (see page 1, paragraph 0007).

**As per claim 9:** the communiqué wireless subscriber device wherein said means for filtering comprisies:

means for parsing program content of said received communiques pursuant to a predefined content definition contained in said communique identifier reads on '401 (see page 3, paragraph 0030; figure 5).

**As per claim 10:** the communique wireless subscriber device wherein said means for filtering comprises:

means for storing subscriber profile data indicative of program content interests for a subscriber reads on '401 (see fig. 5; page 3, paragraph 0030).

means for parsing program content of said received communiques pursuant to a predefined content definition contained in said subscriber profile data reads on '401 (see fig. 5; page 3, paragraph 0030).

**As per claim 20:** the method of operating a communique wireless subscriber device further comprising the steps of:

storing subscriber profile data in a memory reads on '401 (see reads on '401 (see fig. 5; page 3, paragraph 0030).

filtering said received communiques using said subscriber profile data reads on'401 (see abstract).

**As per claim 21:** the method of operating a communique wireless subscriber device of claim 20 wherein said step of filtering comprises:

parsing program content of said received communiques pursuant to a predefined content definition contained in said communique identifier reads on '401 (see fig. 5; page 3, paragraph 0030).

**As per claim 22:** the method of operating a communique wireless subscriber device wherein said step of filtering comprises:

storing subscriber profile data indicative of program content interests for a subscriber reads on '401 (see fig. 5; page 3, paragraph 0030).

parsing program content of said received communiques pursuant to a predefined content definition contained in said subscriber profile data reads on '401 (see fig. 5; page 3, paragraph 0030).

**As per claim 32:** the communique wireless subscriber device further comprising:

profile memory means for storing subscriber profile data in a memory reads on '401 (see fig. 5; page 3, paragraph 0030).

content parsing means for filtering said received communiques using said subscriber profile data reads on '401 (see fig. 5; page 3, paragraph 0030).

**As per claim 33:** the communique wireless subscriber device wherein said content parsing means comprises:

means for parsing program content of said received communiques pursuant to a predefined content definition contained in said communique identifier reads on '401 (see fig. 5; page 3, paragraph 0030).

**As per claim 34:** the communique wireless subscriber device wherein said content parsing means comprises:

profile memory means for storing subscriber profile data indicative of program content interests for a subscriber reads on '401 (see abstract; page 2, paragraphs 0024-0028; page 3, paragraph 0030).

means for parsing program content of said received communiques pursuant to a predefined content definition contained in said subscriber profile data reads on '401 (see fig. 5; page 3, paragraph 0030).

Claims 11, 12, 23, 24, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarwood as applied to claims 1, 13 and 25 above, and further in view of Baumann (US 6,104,922).

**As per claim 11:** bur, Yarwood in view of Owens does not explicitly teach about a wireless subscriber device comprising a means for measuring an immutable physical characteristic of a subscriber, as claimed by applicant. However, in a related field of endeavor, Baumann teaches that a subscriber unit can measure an immutable physical characteristic of a subscriber, like retina, fingerprint, etc. and transmit the measured result to a network, as an ID for authentication (see abstract; figs. 1-7; col. 3, lines 20-63; col. 4, line 40-col. 5, line 65; col. 6, line 48-col. 7, line 66; col. 9, line 50-col. 10, line 65). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teach of Yarwood , as modified, with that of Baumann for the advantage of the fact that a biometric "ID" can never be lost or stolen and is most reliable method for authenticating a user (see col. 3, lines 20-25).

**As per claim 12:** the communique wireless subscriber device, further comprising:

means for transmitting data to said at least one of said plurality of cell sites indicative of said measured immutable physical characteristic of a subscriber reads on '922 (see figs. 1-7; col. 3, lines 52-63; col. 5, lines 3-27; col. 6, lines 48-56; col. 7, lines 26-66).

**As per claim 23:** the method of operating a communique wireless subscriber device further comprising the step of:

measuring an immutable physical characteristic of a subscriber reads on (see abstract; figs. 1-7; col. 3, lines 20-63; col. 4, line 40-col. 5, line 65; col. 6, line 48-col. 7, line 66; col. 9, line 50-col. 10, line 65).

**As per claim 24:** the method of operating a communique wireless subscriber device further comprising the step of:

transmitting data to said at least one of said plurality of cell sites indicative of said measured immutable physical characteristic of a subscriber reads on '922 (see figs. 1-7; col. 3, lines 52-63; col. 5, lines 3-27; col. 6, lines 48-56; col. 7, lines 26-66).

**As per claim 35:** the communique wireless subscriber device further comprising:

biometric means for measuring an immutable physical characteristic of a subscriber reads on (see abstract; figs. 1-7; col. 3, lines 20-63; col. 4, line 40-col. 5, line 65; col. 6, line 48-col. 7, line 66; col. 9, line 50-col. 10, line 65).

**As per claim 36:** the communique wireless subscriber device further comprising:

voice data switch means for transmitting data to said at least one of said plurality of cell sites indicative of said measured immutable physical characteristic of a subscriber reads on '922 (see figs. 1-7; col. 3, lines 52-63; col. 5, lines 3-27; col. 6, lines 48-56; col. 7, lines 26-66).

***Response to Arguments***

Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu

Examiner

20 December 2004.

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600